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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,385	04/20/2001	Mark A. Smith	10001074-1	2505

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

NGHIEM, MICHAEL P

ART UNIT PAPER NUMBER

2861

DATE MAILED: 10/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,385

Applicant(s)

SMITH ET AL.

Examiner

Michael P Nghiem

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2861

DETAILED ACTION

The Amendment filed on October 1, 2002 has been acknowledged.

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 1, 2002 has been entered.

Claim Objections

2. Claims 1, 10, and 16 are objected to because of the following informalities:

- The markings showing changes made to the claims should be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomikawa et al. (US 6,039,441) in view of Aono et al. (US 6,471,321).

Tomikawa et al. discloses the claimed features of the invention including:

- a replaceable ink container (1, Fig. 1a) for providing ink to an inkjet printing system (Fig. 5b) and method for forming a seal (Fig. 1b), the inkjet printing system having a replaceable printhead (21) and a receiving station (27) for receiving the replaceable ink container, the receiving station having a fluid inlet (24) and a sealing structure (22), the replaceable ink container comprising:

- a reservoir (2) defining a fluid outlet (11) and a sealing surface (10) proximate the fluid outlet (Fig. 1b);

- a sealing material (ink in 2) contained within the reservoir for wetting the sealing surface (Fig. 1a, 1b), the sealing material between the sealing surface and the sealing structure acting to seal defects between the sealing surface and the sealing structure (ink meniscus on bottom surface of 10 is between 10 and 22, Fig. 1b),

- the reservoir contains a quantity of ink (Fig. 1a),

Art Unit: 2861

- the sealing surface is configured to be sufficiently wettable such that the sealing surface is wet by the sealing material (wet by ink, column 5, lines 59-60),
- a storage reservoir having a capillary storage material (3) disposed therein for retaining ink.

However, Tomikawa et al. does not disclose the following claimed features:

- the sealing material including solid particles held in a suspension,
- the solid particles are pigment particles,
- the solid particles are carbon black particles,
- the suspension is a dispersant.

Nevertheless, Aono et al. discloses an ink containing black pigments (column 10, line 7) and a dispersant (column 10, line 8) for the purpose of forming ink meniscus (column 10, line 10).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Tomikawa et al. with a pigment-based ink as disclosed by Aono et al. for the purpose of forming ink meniscus.

Response to Arguments

4. Applicant's arguments filed March 21, 2002 have been fully considered but they are not persuasive.

With respect to the 35 USC 103 rejection of claim 7, Applicants argue that Tomikawa does not teach "wetting a sealing surface on the replaceable ink container **prior** to engaging the sealing surface with the sealing structure in the reservoir".

Examiner's position is that "wetting a sealing surface on the replaceable ink container **prior** to engaging the sealing surface with the sealing structure in the reservoir" is not recited in claim 7.

Applicants' remaining arguments have been considered but are moot in view of the new ground(s) of rejection.

Contact Information


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for

Art Unit: 2861

the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

October 30, 2002